

DOCKETED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DEC 01 2003

ROBERT KUC,

Plaintiff,

vs.

No.

GEORGE PASSAS,
City of Chicago Police Officer,
Star Number 19185,
JEFFREY LOQUERCIO,
City of Chicago Police Officer,
Star Number 18782,
CITY OF CHICAGO, a
municipal corporation,

Defendants.

JUDGE PALLMEYER
MAGISTRATE JUDGE MASON

03C 8590

COMPLAINT

Jurisdiction

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. §§ 1981, 1983, and 1985; the judicial code 28 U.S.C. §§ 1331, 1343(a); the Constitution of the United States; and pendant jurisdiction, as provided under U.S.C. § 1367(a).

Parties

2. Plaintiff, Robert Kuc, D.O.B. 9-1-63, is a 40-year-old male, and resident of Chicago, Cook County, Illinois.

3. Defendants, City of Chicago (hereinafter "the City") Police Officers George Passas, Star Number 19185, and Jeffrey Loquercio, Star Number 18782, were at the time of this occurrence, duly licensed City of Chicago police officers. They engaged in the conduct complained of in the course and scope of their employment and under color of law. They were acting in their individual and official capacities.

4. Defendant, City of Chicago, is a municipal corporation, duly incorporated under the laws of the state of Illinois, and the City was, at the time of the occurrence, the employer and principal of Defendant police officers Passas and Loquercio.

Facts

5. On or about December 19, 2001, the Plaintiff was approached, seized and ultimately

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arrested for driving under the influence of alcohol and driving on a revoked or suspended license, on or about the 5200 block of West Diversey Avenue in the City of Chicago by Defendant Officers Passas and Loquercio.

6. Before the Plaintiff was arrested, the Plaintiff had not committed any crime, there was no warrant for his arrest and there was no legal justification to search, seize, and ultimately arrest him.

7. After arresting the Plaintiff, back at the police station, Defendant Passas grabbed the Plaintiff and hit the Plaintiff repeatedly in his face, causing bruising, soreness, acute pain, and lacerations.

8. The Defendants wrongfully gave the Plaintiff a summary suspension of his license, causing the Plaintiff economic and property damage.

9. The Plaintiff never drove or was in actual physical control of the vehicle the Defendants claimed he had driven or was in actual physical control of while being intoxicated.

10. The Plaintiff never hit any police officer, and never resisted arrest.

COUNT I – 42 U.S.C. § 1983 Excessive Force Claim (Passas Only)

11. Plaintiff realleges what has previously been alleged in the Complaint.

12. The actions of Defendant Passas in physically abusing and otherwise using unreasonable and unjustifiable force against Plaintiff, violated Plaintiff's right under the Fourth Amendment to the United States Constitution to be secure in her person, papers and effects against unreasonable searches and seizures and thus violated 42 U.S.C. § 1983.

13. The actions of Defendant Passas were the direct and proximate cause of the violations of Plaintiff's Fourth Amendment rights, his injuries, including lacerations, swelling, bruising, soreness, acute pain, mental suffering, anguish and humiliation, and a loss of personal freedom, and medical and legal expenses, as well as economic loss of wages and other business opportunities.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands compensatory damages against Defendant Passas, and because these Defendant acted maliciously wantonly, or oppressively, substantial punitive damages, plus the costs of this action, plus attorney's fees and such other and additional relief as this court deems equitable and just.

COUNT II – 42 U.S.C. § 1983 Unreasonable Search and Seizure/False Arrest Claim
(Defendants Passas and Loquercio)

14. Plaintiff realleges what has been previously alleged in this Complaint.

15. The actions of Defendants in seizing, searching and ultimately arresting the Plaintiff violated Plaintiff's right under the Fourth Amendment to the United States Constitution to be secure in his person, papers and effects against unreasonable searches and seizures and thus violated 42 U.S.C. § 1983.

16. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiff's Fourth Amendment rights, his mental suffering, anguish and humiliation, a loss of personal freedom, and medical and legal expenses, as well as economic loss of wages and other business opportunities.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands compensatory damages

against Defendants, and because these Defendants acted maliciously, wantonly, or oppressively, substantial punitive damages, plus the costs of this action, plus attorney's fees and such other and additional relief as this court deems equitable and just.

COUNT III – Defendant City of Evanston (Indemnification)

17. Plaintiff realleges what has been previously alleged in this Complaint.


18. Defendant City of Chicago was the employer of Defendants Passas and Loquercio at the time of this incident.

19. Defendants Passas and Loquercio committed the acts alleged above under color of law and in the scope of their employment as a City of Chicago police officers.

WHEREFORE, should Defendants Passas and Loquercio be found liable on one or more of the claims set forth above, Plaintiff demands that the Defendant City of Chicago be found liable for any judgment he obtains thereon against said defendants, as well as for all attorney's fees and costs awarded.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

By 
Richard J. Dvorak, Attorney for the Plaintiff.

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6133 S. Ellis
Chicago, IL 60637
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKETED

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Civil Cover Sheet **03C 8590**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): **Robert Kuc**

County of Residence: Cook

Plaintiff's Atty: Richard J. Dvorak
Law Office of Richard J.
Dvorak
6133 S. Ellis, Chicago, IL
60637
(773) 752-7586Defendant(s): **George Passas, et. al.**

County of Residence: Cook

Defendant's Atty: **MAGISTRATE JUDGE MASON**

JUDGE PALLMEYER

II. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

III. Citizenship of Principal
Parties (Diversity Cases Only)Plaintiff: - N/A
Defendant: - N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

440 Other Civil Rights

VI. Cause of Action:

18 U.S.C. 1983

VII. Requested in Complaint

Class Action: No
Dollar Demand:
Jury Demand: YesVIII. This case **IS NOT** a refiling of a previously dismissed case.Signature: Date: 11/26/03

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it.
Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

EASTERN DIVISION

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In the Matter of

Kuc v. Passas

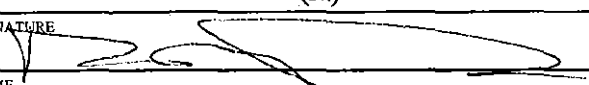
Case Number:

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff

JUDGE PALLMEYER

MAGISTRATE JUDGE MASON

(A)		(B)	
SIGNATURE 		SIGNATURE	
NAME Richard J. Dvorak		NAME	
FIRM Law Office of Richard J. Dvorak		FIRM	
STREET ADDRESS 6133 S. Ellis		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60637		CITY/STATE/ZIP	
TELEPHONE NUMBER 773-752-7586	FAX NUMBER 773-752-6960	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS richardddvorak@hotmail.com		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6269687 (IL)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
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